

M. ROBERT KESTENBAUM, LLC  
PATENT AND TRADEMARK MATTERS

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JUN 11 2003

TECHNOLOGY CENTER 2000

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Thong Q. Nguyen	M. Robert Kestenbaum
COMPANY:	DATE:
Commissioner for Patents	June 11, 2003
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 308-7722	8
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
(703) 308- <del>7722</del> 4814	(Z) 00091 P US
RE:	YOUR REFERENCE NUMBER:
Election	09/981,955

## NOTES/COMMENTS:

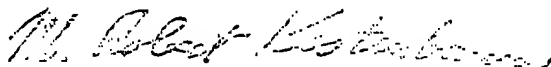
Attention: Examiner Thong Nguyen (Art Unit 2872):

Dear Examiner Nguyen:

This follows our telephone discussion, in which we explained that the election requirement mailed March 10, 2003 was not received by our office until two months later. As per your suggestions, we have requested that the response period be re-started and the enclosed election be accepted without any requirement for an extension fee payment.

I appreciate your assistance to my office in this matter, and thank you in advance for your consideration.

Sincerely,

M. Robert Kestenbaum  
Reg. No. 20,430

#6/A

Election

PB

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 09/981,955  
Filed October 17, 2001  
Applicant Stingl  
Primary Examiner Thong Q. Nguyen  
Art Unit 2872  
Examiner's Phone (703) 308-4814  
Examiner's Fax (703) 308-7722  
Attorney Docket (Z) 00091 P US

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JUN 11 2003

PO Box 1450  
Commissioner for Patents  
Alexandria, Va. 22313-1450

TECHNOLOGY CENTER 2800

## Non-Receipt of Election Requirement and Request to Re-Start Response Period

Dear Examiner Nguyen:

This follows the discussion Applicant's attorney's office had with the Examiner regarding non-receipt of the current election requirement.

The facts surrounding non-receipt of the current election requirement follow:

The present election requirement notes that it was mailed on March 10, 2003.

The election requirement was mistakenly delivered to the wrong address. The address to which it was delivered was to a recipient at 11017 Bermuda Dunes NE (Applicant's attorney's address is 11011 Bermuda Dunes NE). The occupants at 11017 were away on an extended medical absence and did not return to go through their mail until approximately May 16, 2003. Shortly after that time, the occupants of 11017 Bermuda Dunes NE discovered that several pieces of correspondence were mistakenly delivered to their address instead of 11011 Bermuda Dunes NE. Upon this discovery, they brought the above referenced communication from the USPTO to Applicant's address, and Applicant's attorney became aware of the election requirement. The

Election Requirement  
(Z) 00091 P US  
Stingl (09/981,955)

election requirement for this case, mailed 10 March 2003, was among the pile of correspondence they brought to Applicant's attorney's address.

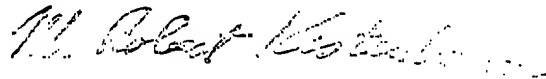
This is a very unusual situation, as Applicant's attorney has practiced before the USPTO for 35 years and such occurrences are very rare.

Applicant's attorney respectfully requests that, given the above facts, the response period be re-started for this election requirement, to avoid paying for a two months' Large Entity extension fee in order to respond to this election requirement. This request to re-start the response period is reasonable, since Applicant's attorney did not receive the communication until two months after it was mailed from the USPTO. Should further information be necessary to make a decision regarding this request, please do not hesitate to contact me at the phone number listed below.

Applicant includes a response to the election requirement with this notice of non-receipt of the communication. Applicant respectfully requests that the Examiner accept the election included herewith without any extension fee requirements, given the above circumstances.

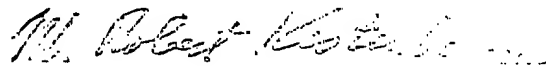
This statement sets forth the facts of non-receipt as suggested by the Examiner in the telephone conversation referenced herein. Applicant's attorney expresses his thanks to the Examiner for suggesting how to proceed with this request for re-starting the response period.

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria, Va. 22313 by facsimile transmission on June 11, 2003, fax number (703) 308-7722.



M. Robert Kestenbaum

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: US Patent Application 09/981,955  
Filed October 17, 2001  
Applicant Stingl  
Primary Examiner Thong Q. Nguyen  
Art Unit 2872  
Examiner's Phone (703) 308-4814  
Examiner's Fax (703) 308-7722  
Attorney Docket (Z) 00091 P US

PO Box 1450  
Commissioner for Patents  
Alexandria, Va. 22313-1450

**Election**

Dear Examiner Nguyen:

This responds to the Election Requirement mailed 10 March 2003. Applicant's attorney directs the Examiner's attention to the request to re-start the response period on this election requirement as per the request included herewith.

Applicant is required to elect between Species I and II and the Examiner notes that he believes there are currently no generic claims.

Applicant elects Species II reading on claims 5-9.

Applicant makes this election with traversal, and respectfully believes that, with an amendment to the claims, it should be possible to have all of the claims examined in this procedure. Consequently, Applicant is making the following amendment to the claims in making this election. Given this amendment to the claims, Applicant respectfully requests that claims 1-4 and 10 now depend on claim 5, and should be included in this examination, together with claim 5. The amended claims are set forth as follows:

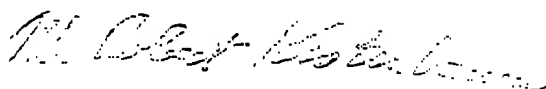
Election Requirement  
(Z) 00091 P US  
Stingl (09/981,955)

- 1 (Currently Amended). A sighting device as claimed in claim 5 comprising:
- a crosshair plate having a target marking,
  - at least one light source emitting radiation that illuminates said target marking,
  - wherein said radiation is coupled into said crosshair plate from various directions.
2. The sighting device according to claim 1, further comprising a plurality of said light sources distributed at a circumference of said crosshair plate,
- wherein said radiation is provided from said plurality of light sources.
3. The sighting device according to claim 2, wherein said plurality of light sources comprises at least three light sources.
4. The sighting device according to claim 1, wherein said radiation is coupled-in spread out over a circumference of said crosshair plate.
5. A sighting device comprising:
- a crosshair plate having a target marking,
  - at least one light source emitting radiation that illuminates said target marking,
  - wherein a light guide is arranged circumferentially to said crosshair and is connected to a circumferential surface of said crosshair.
6. The sighting device according to claim 5, wherein said light guide surrounds said crosshair plate.
7. The sighting device according to claim 5, further comprising a radiation shield on said circumference of said crosshair plate in a region in which said radiation is coupled-in to said light guide.
8. The sighting device according to claim 7, wherein said radiation shield comprises an opaque coat of paint.

9. The sighting device according to claim 5, wherein said light guide comprises a one piece ring.
10. A telescopic sight comprising  
an eyepiece,  
an objective, and  
a sighting device according to claim 1.

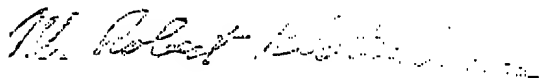
Wherefore, further consideration and allowance of the claims is respectfully requested.

Respectfully submitted,



M. Robert Kestenbaum  
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Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria, Va. 22313 by facsimile transmission on June 11, 2003, fax number (703) 308-7722.



M. Robert Kestenbaum